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ORDINANCE NO. 45-975

AN ORDINANCE AMENDING SECTIONS 24.04.185, 24.04.190, 24.04.195, 24.04.220 AND 24.04.222 AND REPEALING THE ORIGINALS OF SAID AMENDED SECTIONS; AND CREATING SECTION 24.04.251, ALL IN THE CODE OF THE CITY OF WICHITA, KANSAS, AND PERTAINING TO THE SIGN CODES OF THE CITY OF WICHITA, KANSAS.

BE IT ORDAINED BY THE GOVENING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. Section 24.04.185 of the Code of the City of Wichita is hereby amended to read as follows:
24.04.185 Classifications and Definitions.

1. Classification of Signs. Signs shall be classified by the superintendent of central inspection in accordance with the following classifications and definitions:

a. Sign, Advertising Decoration. Various sign materials used for temporary display and decoration, including streamers, string pennants, pinwheels, bunting and other similar devices on which no advertising copy, logos, symbols or emblems are printed, painted or attached, and that also comply with Section 24.04.230 of this Code.

b. Sign, Animated – A sign depicting action, motion, light or color changes through electrical or mechanical means. Although technologically similar to flashing signs, the animated sign emphasizes graphics and artistic display and may include video displays.

c. Sign, Banner. An on-site sign on which advertising copy, logos, symbols or emblems may be printed, painted or attached, and which advertises goods or services sold, produced or conducted on the premises, or a special event as referenced in 24.04.190(8); constructed of fabric or any non-rigid material with no fully enclosing framework; and designed to be attached securely at each end or corner of the banner sign to a wall, canopy, posts or stakes.

d. Sign, Building. An on-site sign attached to or painted onto a wall, awning, canopy, building or structure; or that is attached to, but not painted on, a roof structure or roof surface, the height of which shall not exceed the height of the roof or wall parapet, or of any of the following: (1) the highest point of the coping of a flat roof; (2) the deck line of a mansard roof; (3) the average height between the eaves and ridge line of a gable, hip or gambrel roof or (3) three feet above the finished roof deck if the average height of a gable, hip or gambrel roof is less than three feet above the bottom or lowest edge of the roofline; except that a building or structure that was constructed prior to May 4, 1990 that does not have an area at least three feet tall and twenty feet wide above an unglazed portion of the building elevation, the bottom of which is at least seven feet above grade, may have a building sign which shall not exceed four feet, six inches above the roof or parapet;

e. Sign, Billboard. An off-site sign.

f. Sign, Bulletin Board. An on-site sign containing the name of the institution or organization, and may also include names of persons connected with it, announcements of persons, events or activities occurring at the institution. Such sign may also present a greeting or similar message;

g. Sign, Commercial Balloon. An on-site, temporary sign that is inflated and exceeds five square feet in area, designed to advertise a specific product or service sold, produced or conducted on the premises on which advertising copy, logos, symbols or emblems may or may not be printed, painted or attached. Commercial balloons may be tethered or mounted to a structure on the ground.

h. Sign, Commercial Flag or Pennant. An on-site sign on which advertising copy, logos, symbols or emblems may or may not be printed, painted or attached, and which advertises goods or services sold, produced or conducted on the premises, or any of the events referenced in 24.04.190(8); and constructed of fabric or any non-rigid material with no fully-enclosing framework, and designed to be attached securely to a permanent pole or post.

i. Sign, Construction. A temporary on-site sign indicating the names of architects, engineers, landscape architects, contractors, financier and similar artisans involved in the design and construction of a structure or project during the period of construction;

j. Sign, Directional. A sign containing words or symbols indicating an entrance to, exit from, or location of parking, loading, restrooms and emergency entrances which are for the convenience of the public;

k. Sign, Electronic Message - A variable message sign that utilizes computer-generated messages or some other electronic means of changing copy. These signs include displays using incadescent lamps, LEDs, LCDs or a

flipper matrix, and also enable changes to be made to messages from locations other than at the sign. Electronic message signs shall be classified as animated, flashing or moving signs when the rate of copy and/or graphic changes is more than one change per second.

l. Sign, Flashing – A sign with an intermittent or flashing light source. Generally, the sign's message, copy or flashing pattern is constantly repeated.

m. Sign, Ground. A sign placed upon, or supported by, the ground independently of any building or structure on the property.

k. Sign, Identification. An on-site sign which carries only the name and address of a building, business, development or establishment. Such sign may be wholly or partly devoted to a readily recognized symbol;

l. Sign, Menu Board - An on-site sign designed and used for the display of menu items and pictures and/or prices of menu items.

m. Sign, Monument. A detached ground sign for which the width of the widest part of the base or pole or pylon cover of the sign is at least one half the width of the widest part of the sign face, or for which the sign or sign cabinet supports consists of visible poles or pylons supporting a sign cabinet or face that is not more than two feet above the average grade of the ground under the sign face.

n. Sign, Nameplate. A small on-site sign located at any entrance to a building and indicating the name and/or address of an occupant and, where applicable, a professional status;

o. Sign, Off-site. A sign delivering a message or advertisement other than the name, occupation or nature of the activities conducted on the premises or the products sold or manufactured thereon;

p. Sign, On-site. A sign which carries only a message or advertisement strictly incidental to a lawful use of the premises on which it is located, including signs or sign devices indicating the business transacted, services rendered, goods sold or produced on the premises, the rental or lease of products or building space, name of the person, firm or corporation occupying the premises;

q. Sign, Pole or Pylon. A detached ground sign whose sign face or cabinet is more than two feet above ground level and is supported by poles, pylons or posts;

r. Sign, Political. A sign pertaining to the announcement of an individual being a legally registered candidate for an elective political office, or a sign stating a position regarding any issue that has been placed on a ballot for public vote or referendum. Any such sign exceeding six square feet of gross surface area shall be classified as an off-site sign and regulated accordingly;

s. Sign, Portable. A temporary on-site sign designed in such a manner to be readily movable and not permanently attached to the property; such as, A-frames, trailer signs, signs placed on vehicles, beacon lights and other similar signs. Any such sign shall not exceed a height of ten feet above grade; and shall not exceed sixty square feet per side in gross surface area.

t. Sign, Project Directory. An on-site sign containing the names and locations, in list or map form, of the individual components making up a planned unit development, shopping center or similar project;

u. Sign, Project Title. A sign which carries the overall name of a residential subdivision, shopping center, industrial park, medical complex, planned unit development, mobile home park and similar projects;

v. Sign, Projecting. An on-site sign suspended from, or supported by, a building or structure and projecting therefrom a distance exceeding one foot beyond the property line;

w. Sign, Real Estate. An on-site sign, excluding any portable sign as defined herein, displayed for the purpose of offering real property for sale, lease or rent;

x. Sign, Roof. A sign erected upon or above the roof of a building or structure that does not meet the definition of a Building Sign;

y. Sign, Temporary. An on-site sign, excluding any banner, commercial flag or pennant, or construction sign as otherwise defined in this Code, that is limited in the period of time that such sign may remain on a property either by the limitations of these regulations or the conditions of the permit;

z. Sign, Variable Message. A sign that includes provisions, or the electronic or mechanical means for, message or copy changes. These signs may include changeable message or copy with letters and/or numbers mounted in or on a track system, time and temperature signs, electronic message signs, menu boards, signs with scrolling faces, and signs with rotating sections or panels (i.e., tri-vision and similar type displays).

aa. Sign, Wall. A sign attached to, erected against, or painted onto a wall of a building with the exposed face of the sign in a plane parallel to said wall;

bb. Sign, Window. On-site signs, either temporary or permanent, installed on the window area of a building;

2. Definitions. The definitions set out below are applicable to this chapter:

a. Abutting - Abutting means touching or directly contiguous to.

- b. Adjacent - Adjacent means no farther than one hundred fifty linear feet, unless otherwise provided in a specific section of this Code.
 - c. Institution. The building, group of buildings, or place of confinement or use of an established organization or foundation dedicated to public service, education, or culture, or any church or school.
 - d. Owner. Owner of a sign includes the property owner of record, manager, lessee, designated agent, or any person exercising control over the sign.
 - e. Pole or Pylon Cover or Wrap – An enclosure for concealing and/or decorating poles or other structural supports of a ground or pole sign.
 - f. Sign. Any structure, fixture, banner, flag, pennant, placard or device using text (including letter, word, or numeral), pictorial representation (including illustration, declaration, or figure), emblem (including device, symbol, logo, or trademark), attention attracting device such as strobe lights, flashing lights or beacon lights, or any other thing which is designed, intended, or used to identify, instruct, attract, guide, advertise or inform, any part of which is visible from any adjacent property or public street or highway.
 - g. Sign Cabinet – The structural frame that encloses one or more sign faces.
 - h. Sign Structure. A structure of any kind which is built or constructed and supports or is capable of supporting a sign as defined in this chapter. A sign structure shall include the foundation and base, the poles or pylons that support the sign, any structural extensions that support a sign or its cabinet, any structural framework that supports a sign face, or any sign face cabinet.
 - i. Zoning District or District. Zoning classifications established in the Wichita-Sedgwick County Unified Zoning Code as set forth in Title 28 of the Code of the City of Wichita.
 - j. Zoning Lot. A parcel of land that is designed by its owner or developer, at the time of applying for a building permit as one lot, all of which is to be used, developed or built upon as a unit under single ownership. As long as it satisfies the requirement of the above and the requirements of the subdivision rules and regulations, such lot may consist of (1) a single lot of record, (2) a portion of a lot of record, or (3) a combination of complete lots of record, complete lots and portions of lots of record, or portions of lots of record. For purposes of this Code, approved Community Unit Plans, Planned Unit Developments or “P-O” Protective Overlays, as defined in the Wichita-Sedgwick County Unified Zoning Code, shall be considered as a single zoning lot.
- To the extent they are not inconsistent with this chapter, the definitions adopted for Title 28 of the Code of the City of Wichita, as amended shall apply to the terms used in this chapter. The use of zoning definitions and reference to the zoning code is for purposes of convenience and shall not be deemed to make the sign ordinance or activities or regulation under the sign ordinance as zoning or zoning regulation.
3. Signs subject to more than one classification. Whenever a sign could be subject to more than one classification, the superintendent of central inspection shall determine the most appropriate classification and apply all applicable regulations.

SECTION 2. Section 24.04.190 of the Code of the City of Wichita is hereby amended to read as follows:
24.04.190 Signs permitted in all zoning districts. The following signs shall be permitted in all zoning districts:

1. Small directional on-site signs, not exceeding six square feet in area, displayed on private property for the convenience of the public, including signs to identify entrance and exit drives, parking areas, restrooms, freight entrances and the like;

2. Permanent markers located on private property for the convenience of the public in the identification of a subdivision or the streets therein; provided, that they shall first have been submitted to the director of planning and the superintendent of central inspection for approval. The markers shall be determined to be in keeping with the general design of the area and the size shall be limited in height and area dependent upon their location on the property;

3. Identification signs denoting only the name of the building or building complex when consisting of letters fifteen inches or less in height, carved into or securely attached in such a way that they are an architectural detail of the building or entrance way, and; provided further, they are not illuminated apart from the building or entrance way, are not made of reflecting material and do not project more than two inches from the surface to which they are attached;

4. Construction signs with the following limitations:

(a) One sign per street frontage;

(b) Gross surface area per sign - thirty-two square feet in "SF-10", "SF-5" and "TF-3" districts, one hundred twenty-eight square feet in all other districts; and

(c) Sign may include illustration of project under construction;

5. Real estate sign, advertising the sale, rental or lease of the premises on which it is displayed, with the following limitations:

(a) Any such sign shall be unlighted and all lettering shall be permanently affixed to the sign;

(b) The maximum gross surface area per sign, in all residential zoning districts, except "B" multifamily, is eight (8) square feet; in all other zoning districts, including "B" multifamily, it is forty (40) square feet;

(c) There shall be only one sign per street frontage per listing in "MF-29" multifamily and more restrictive zoning districts, provided, that there shall be no more than two real estate signs per zoning lot in all "MF-29" multifamily and more restrictive zoning districts;

(d) In all zoning districts other than "MF-29" Multi Family and more restrictive zoning districts, there shall be no more than two real estate signs per street frontage unless the signs can be separated by a minimum distance of 150'. In no event shall there be more than four real estate signs per zoning lot in zoning districts other than "MF-29" multifamily and more restrictive zoning districts.

6. Project title signs for subdivision identification, with the following limitations, unless otherwise indicated in an approved community unit plan:

a. Time period, two years; however, the superintendent of central inspection may grant extensions every six months until all lots in the subdivision are sold provided the sign is adequately maintained,

b. Exclusively for the purpose of advertising the subdivision in which the sign is located, or as governed by subsection i. below,

c. Unlighted or indirectly lighted from an external source only and constructed with neither reflective nor luminous materials,

d. Permit issued only after the final subdivision plat has been duly recorded; except that a permit may be issued for a property which is governed by an approved community unit plan or for which a preliminary subdivision plat has been approved, for a period of six months, and then may be extended as provided for in subsection a. above if the final plat has been recorded,

e. Located at or near entrances to tract sections under construction,

f. Not more than two sign structures shall be maintained in any one subdivision less than forty acres in size. For each additional forty acres or major fraction thereof, one additional sign may be erected,

g. Area, maximum, two hundred square feet for each sign,

h. Height maximum, twenty feet,

i. Up to two project title signs to direct the public to the subdivision may be permitted off-site, subject to the limitations in subsections a, c, d, g, and h above and the following additional limitations:

(1) Must be located on a vacant lot or tract that is at least five hundred feet, and no more than one mile, from the subdivision.

(2) May not be located within one hundred and fifty feet of a residential structure, or from any other sign facing the same direction of travel, or in a location prohibited by Section 24.04.200 of this code.

(3) Off-site project title signs permitted under this subsection are not required to be placed on a single pole.

(4) This provision is not intended to further limit the number or location of off-site signs as established in Subsection 24.04.222 or other sections of this code;

7. Nameplate signs with a maximum area of two square feet;

8. Advertising decoration signs and banner signs shall not exceed a total of 64 square feet. Banner signs shall be limited to one banner per business or location during the hereinafter special event periods. Advertising decoration and banner signs shall only be temporarily displayed during the hereinafter specified special event periods; provided, however, such displays shall not exceed a total time limitation of thirty days for an individual event. Such special events shall be limited to:

a. Grand openings for new businesses,

b. Licensed going out-of-business sales,

c. Open houses in new subdivisions and home shows, and

d. Sales in conjunction with nationally recognized holidays.

9. Temporary signs in conjunction with licensed miscellaneous sales not to exceed four (4) square feet in area, when located in a residential district, and not on public property;

10. Political signs, when located on private property with the permission of the owner or tenant, provided that all signs shall be removed within seven days following the election in which the issue is decided or a candidate is elected to office or is eliminated from further participation in the election as a candidate;

11. Bulletin board signs for institutional uses only, not exceeding twenty-five square feet gross area, which may be lighted by direct or internal illumination of white light only except that institutions located along designated collector, arterial or expressway streets may have one bulletin board sign for each collector, arterial or expressway frontage, not exceeding forty-eight square feet in size for each sign. Exception: Institutions located along designated collector, arterial or expressway streets with two hundred feet or more of frontage along such street may have one bulletin board sign for each collector, arterial or expressway frontage, not exceeding one hundred square feet in size for each sign, or up to two bulletin board signs for which the combined total sign area does not exceed one hundred square feet, and where such signs are separated by a minimum distance of one hundred fifty linear feet.

12. Building sign, unlighted and not exceeding two square feet in area for a home occupation, but shall be permitted in the "SF-10" and "SF-6" family zoning districts only when the home occupation is required to be identified by state law;

13. Portable sign for institutional uses; provided, however, only one portable sign shall be permitted on a zoning lot. Any such sign shall not be located closer than one hundred fifty feet to any other ground or portable sign, and shall be located in accordance with all other applicable regulations including, but not limited to, the location of the portable sign in relation to the street right-of-way line and the distance from driveway approaches. Any portable sign permitted by this section shall not exceed sixty square feet in gross surface area per side.

14. Special event announcement sign, an on-site sign allowed in all districts for the display of messages limited to announcing the birth of a child, birthdays, weddings, wedding anniversaries, or other similar non-commercial events of residents of the property on which the sign is placed, so long as the sign does not exceed fifteen square feet with a maximum height of six feet; is not illuminated; is not mounted on wheels or a trailer; is not placed on public right-of-way; and is not displayed more than four consecutive days on the same zoning lot, nor more than twelve days per year per zoning lot. Banners complying with these same restrictions are also permitted.

15. Banner signs, except in the "SF-5" or "SF-10" Single Family or "TF-3" Two-Family zoning districts; provided, however, only one sign shall be permitted for each building elevation, provided that any such building elevation shall be required to have any one of the following:

a) street frontage;

b) be adjacent to an "NO" Neighborhood Office, "GO" General Office, "NR" Neighborhood Retail, "LC" Limited Commercial, "GC" General Commercial, "CBD" Central Business District, "OW" Office Warehouse, "IP" Industrial Park, "LI" Limited Industrial or "GI" General Industrial zoning district; or

c) if adjacent to a residential use or zoning district, there must be a parking, loading or open space area with a depth of one hundred fifty feet or more as measured from the sign face to the property line which adjoins the residential zoning district or use.

No banner sign shall exceed 30 square feet of gross surface area except as otherwise allowed by Section 24.04.190(8), and shall be securely attached to a building, wall or fence.

16. Menu board signs, except in any residential zoning district or any "NO" Neighborhood Office, "GO" General Office, or "NR" Neighborhood Retail zoning district, provided that any ground menu board sign is located no closer to a front property line than the front wall elevation of the principal use structure, and no closer to a rear or side property line than the building or compatibility setback allowed by the Wichita-Sedgwick County Unified Zoning Code or by any Wichita-Sedgwick County Unified Zoning Code special purpose or overlay zoning district standards or requirements. Menu board signs shall be limited to a maximum of two, fifty square foot maximum menu board signs per business, or one maximum one hundred square foot menu board sign per business, for display of menu items, pictures and/or prices. Smaller menu boards of up to six square feet may be located at individual parking stalls without meeting the building or compatibility setback requirements outlined above.

17. Commercial flag or pennant signs, except in the "SF-5", Single Family, "SF-10", Single Family, or "TF-3" Two Family zoning districts, with the following limitations:

a) Limited to a maximum area per flag or pennant of twenty-four square feet;

- b) Limited to two flags or pennants for each permanent pole, provided the total area of the flags or pennants does not exceed twenty-four square feet per pole;
 - c) Limited to a minimum horizontal separation between flag or pennant, or between dual flags or pennants as set forth in item 7.b above, where attached to poles, of fifty feet;
 - d) Limited to a minimum height of ten feet above adjacent grade at the lowest part of the flag or pennant;
 - e) Limited to a maximum height of thirty feet above adjacent grade at the highest part of the flag or pennant; and
 - f) If along an undesignated street which is adjacent to residential use or zoning, every commercial flag or pennant must be set back a minimum of fifty feet from the property line.
18. Other signs which the superintendent of central inspection may determine fall within the intent and purpose of this section.

SECTION 3. Section 24.04.195 of the Code of the City of Wichita is hereby amended to read as follows:
24.04.195 Signs permitted in the "LC" Limited Commercial District.

- 1. Illuminated on-site ground or pole signs as permitted by Section 24.04.221;
- 2. Illuminated building signs; provided that any building elevation on which such sign is placed shall be required to have or comply with any one of the following:
 - a) street frontage;
 - b) be adjacent to an "NO" Neighborhood Office, "GO" General Office, "NR" Neighborhood Retail, "LC" Limited Commercial, "GC" General Commercial, "CBD" Central Business District, "OW" Office Warehouse, "IP" Industrial Park, "LI" Limited Industrial or "GI" General Industrial zoning district; or
 - c) if adjacent to a residential use or zoning district, there must be a parking, loading or open space area with a depth of one hundred fifty feet or more as measured from the sign face to the property line which adjoins the residential zoning district or use.

The sum of all signs for each business shall be limited in total area to twenty percent of each tenant space elevation with no sign exceeding 400 square feet in area, and there shall be no more than three signs for each tenant or business on each building elevation.

If adjacent to residential use or zoning, building elevations not having street frontage, but facing onto parking or loading areas exceeding fifty feet but less than one hundred fifty feet in depth, may provide identification signs for each place of business having an entrance therefrom; providing such signs shall not exceed fifteen square feet in area nor be more than twelve feet above grade at their highest point;

- 3. Illuminated off-site signs as permitted by Section 24.04.222;
- 4. Portable signs; provided, however, only one sign shall be permitted for an individual business. Any such sign shall be located in accordance with all other applicable regulations including, but not limited to, the area and spacing limitations for pole and ground signs, the location of the sign in relation to the street right-of-way line and the distance from driveway approaches. Such signs may be illuminated; however, strobe lights or flashing bulbs and flashing or moving images shall not be permitted. Any sign permitted by this section shall not exceed sixty square feet in gross surface area or exceed a height of ten feet above grade.
- 5. Commercial balloon signs as permitted by Section 24.04.235.

SECTION 4. Section 24.04.220 of the Code of the City of Wichita is hereby amended to read as follows:
24.04.220. General requirements. The signs regulated by this chapter shall be subject to all applicable ordinances, conditions and special requirements as may be specified herein.

(a) All signs shall comply with the appropriate detailed provisions of Title 18, building code, relating to the design, structural members and connections.

(b) All signs shall comply with the applicable provisions of Title 19, electrical code, and subject to the permits required therein.

(c) All signs shall comply with the limitations of height, area, type, and illumination requirements as set forth in this chapter.

(d) No signs, except for commercial flag or pennant signs, shall be erected that will allow the sign to swing or rotate due to wind action. All signs shall be securely fastened so that movement in any direction is prevented.

(e) Every sign, except for advertising decoration, banner and commercial flag or pennant signs, shall be erected level and plumb and be constructed of galvanized metal or otherwise protected from corrosion.

(f) No ground or pole sign of combustible material shall be erected closer to a property line or to a building than the distance required by the building code for type VN construction, except for temporary signs.

(g) Structures of all signs and sign structures shall be fabricated of noncombustible materials and supported by concrete foundations or anchored with metallic connections to the supporting structure. All electrically illuminated signs shall be constructed as set forth in the electrical code; however, signs may be constructed of heavy timber or faced with combustible materials upon approval of the superintendent of central inspection.

(h) Wall signs shall not extend beyond the top or ends of the wall surface on which the sign is placed without the approval of the superintendent of central inspection.

(i) No projecting sign shall be erected closer to an adjacent property than the distance the sign projects from its support. All projecting signs shall be constructed entirely of incombustible material.

(j) Signs erected on, attached to or made a part of a canopy or marquee projecting over public right-of-way shall be considered projecting signs.

(k) Roof signs shall be constructed of incombustible material and shall be so located as not to interfere with the drainage of the roof, or to prevent access onto any portion of the roof. A permit for any roof sign shall be issued only after compliance by the applicant with the following provisions:

The applicant shall give a bond in the sum of five thousand dollars to save and hold the City free and harmless from all damages which may be occasioned by the erection and maintenance of such sign; the bond is to be signed by the sureties acceptable to the city and to be approved as to form by the city attorney.

In lieu of this bond of five thousand dollars for each roof sign permitted under this section, it shall be permissible to file with the city a blanket surety bond to cover all roof signs erected and maintained by a person within the city. Such bond shall be such nature as to cover such roof sign erected and maintained, in the amount of five thousand dollars. Such blanket surety bond shall be conditioned to save and hold the city free and harmless for any and all damages, claims or demands which may be occasioned by the erection and maintenance of such sign. Such bond shall be signed by sureties acceptable to the City and shall be approved as to form by the city attorney.

(l) Each sign, except temporary signs for which permits have been issued for thirty days or less, shall have the name of the sign owner affixed to the sign in a manner approved by the superintendent of central inspection.

(m) Gross Surface Area of an On-Site Sign. The gross surface area of a sign shall be the sum of all surface areas of all the sign faces, except that ground or pole signs designed as double-faced signs, with both faces parallel and when the distance between the faces does not exceed three feet, then only one face of the sign shall be considered in determining the sign area.

In determining the surface of a sign, each face of a sign may be broken down into two areas. Each surface area shall include the total area within a single continuous

perimeter enclosing the extreme limits of the sign elements. Such perimeters need not include any structural elements lying outside the limits of such sign when they do not form an integral part of the display, nor shall it include either: (i) architectural embellishments when such do not contain any advertising or printed copy, are not lighted and do not exceed ten percent of the permitted sign area; or (ii) a sign pole or pylon cover or aesthetic wrap when such does not contain any advertising or printed copy and is not internally lighted.

(n) Limitations. Limitations apply to the type, height, setback, number, and gross surface area of signs on each zoning lot.

(o) Height of Sign. Sign height shall be measured from grade at the base of the sign to the highest portion of the sign structure.

(p) Illuminated Signs. Signs shall be shaded wherever necessary to avoid casting bright light upon property located any residential district or upon any public street. Any illuminated sign located on a lot adjacent to or across the street from any residential district, which sign is visible and within two hundred feet of any residential district, shall not be illuminated between the hours of eleven p.m. and seven a.m. Signs may not be illuminated unless so designated to permit same.

(q) Flashing or Moving Signs. No flashing signs, rotating or moving signs, animated signs, signs with moving lights, or signs which create the illusion of movement shall

be permitted in a residential zoning district, or in the "NO" Neighborhood Office district, "GO" General Office district, "NR" Neighborhood Retail district, "OW" Office/Warehouse district, or the "IP" Industrial Park district.

(r) Facing Direction of Travel. A sign shall be considered facing the direction of travel when it is visible from any lane of traffic proceeding along a street and the face of such sign is a plane within thirty degrees of a line perpendicular to the centerline of the street. A sign shall be considered facing both directions of travel along a street if the angle exceeds the thirty degrees as described above. Exception: A sign located within two hundred fifty feet of an intersection of arterials or expressways, or combination thereof, shall be considered facing the line of traffic it is more directed toward providing the face of the sign is in a plane within thirty degrees of a line perpendicular to the centerline of that street.

(s) Distance Between Off-Site Signs. Distance between off-site signs facing a direction of travel shall be measured at the centerline of a street at the points where lines are projected perpendicular to the center line of the street to the center of the signs.

(t) No portion of a sign that is located within the triangle formed by the imaginary intersection of curb lines at the intersection of two streets, and extending for a distance of fifty feet each way from that imaginary intersection of a curb line of any corner lot, shall be

permitted to extend closer than ten feet to grade of adjacent roadway surface.

(u) Any sign authorized in this ordinance is allowed to contain noncommercial copy in lieu of any other copy.

(v) Alternative or additional requirements concerning the type, size, height, and location of signs may be established on specific sites subject to the community unit plan regulations found in the Unified Zoning Code in accordance with procedures set forth therein.

SECTION 5. Section 24.04.222 of the Code of the City of Wichita is hereby amended to read as follows:
24.04.222 Specific regulations - Off-site signs when permitted in the commercial or industrial districts.

1. Number permitted. The number of off-site signs, facing a direction of travel within any designated mile, shall be determined by the linear measurement in feet, along the centerline of the street right-of-way, that is within or adjacent to any light commercial, commercial or industrial zoning district; provided, however, such signs shall only be permitted in the zoning districts as set forth in Sections 24.04.195, 24.04.196 and 24.04.198 of this chapter. Except in the "GC", "LI" or "GI" zoning districts, no zoning district shall be considered for linear measurement unless it is adjacent to an arterial street or expressway. For purposes of measurement, zoning shall be considered to extend to the centerline of all streets. A designated mile shall be the length of the centerline of a street between mile section lines, even though the linear measurement may exceed five thousand two hundred eighty feet. Any mile not covered entirely by city boundary shall be treated on a percentage basis. The number of signs allowed shall be in direct proportion to the percentage of the designated mile that lies within the city limits boundary. There shall be permitted not more than one off-site sign facing a direction of travel, for each five hundred linear feet of street having "GC", "LI" or "GI" zoning adjacent thereto provided however, under no circumstances shall there be erected more than five off-site signs facing a direction of travel in a designated mile in the "GC" and "LI" zoning districts, and eight per mile in the "GI" zoning district, and; provided further, whenever any off-site sign is to be located in the "LC" limited commercial district the following shall be applicable.

Off-site signs may be permitted in the "LC" limited commercial district only when a designated mile has at least fifteen hundred linear feet of "LC", "GC", "LI" or "GI" zoning adjacent thereto. When there is at least three thousand linear feet of appropriate zoning adjacent to a designated mile, a second off-site sign may be permitted.

When there is at least forty-five hundred linear feet of appropriate zoning adjacent to a designated mile, a third off-site sign may be permitted.

2. Size and Height Permitted. The gross surface area of an off-site sign facing the direction of travel shall not exceed eight hundred twenty-five square feet, including any extensions. Extensions may not extend more than five and one-half feet above the normal upper rectangular lineage of the face, nor more than two feet beyond any of the other three sides. Maximum rectangular dimensions, excluding extensions, shall be fourteen feet in height by forty-eight feet in length. No off-site sign shall exceed thirty feet in height at the top of the maximum rectangular dimension, which does not include the permitted extensions.

Exceptions: Off-site signs located adjacent to an elevated portion of a highway structure may be erected to a height of fourteen feet above the top of the railing or barrier along the traffic deck. Off-site signs located within three feet of a one-story building shall maintain eight feet of vertical clearance between the bottom of the sign and the roof or parapet and shall not exceed twenty-six feet in height above the roof or parapet.

3. Prohibited Locations. No off-site sign shall be erected on a property when any of the following conditions exist:

a. No off-site sign shall be erected on a zoning lot, of less than one hundred fifty feet of frontage, that has more than two on-site ground or pole signs totaling more than two hundred fifty square feet gross surface area facing a direction of travel that are located within thirty-five feet of the street right-of-way line.

b. No off-site sign shall be erected that would obscure the view of any on-site sign. This shall be determined by establishing a sight point at the centerline of the street one hundred fifty feet in either direction, then no on-site sign within one hundred fifty feet of the off-site sign shall be obscured from view.

c. No off-site sign shall be erected within three hundred thirty feet of another off-site sign facing the same direction of travel along the same street.

d. No off-site sign shall be erected on "LC" zoned property within one hundred fifty feet (measured perpendicular to the sign face) or within seventy five feet (measured parallel to the sign face) of a residential structure. The perpendicular measurement shall extend forty five degrees to either side of the perpendicular line.

e. No off-site sign shall be located on any property in the "LC" limited commercial zoning district that is not a part of at least three hundred continuous feet (linear measurement) of commercial or industrial zoning.

f. No off-site sign shall be located closer than six hundred sixty feet to the established bank lines of the Big Arkansas or the Little Arkansas Rivers, or to any park or recreation area under the jurisdiction of any public body including the Board of Park Commissioners of the city.

Off-site signs may be erected within six hundred sixty feet of the established bank lines of the Big Arkansas or Little Arkansas Rivers or any such park or recreation area when such off-site signs are located in athletic field facilities owned or operated by a public body.

4. Setback. Off-site signs shall comply with all building setback lines.

5. Type. Off-site signs may be ground or pole or wall signs, but shall not be erected upon or over the roof of any one story building; provided however, a pole sign may cantilever over a building as long as a vertical clearance of eight feet is provided between the roof or parapet and any portion of the sign and the sign does not exceed twenty-six feet in height above the roof or parapet. Each off-site sign may contain only one panel per facing with a message or advertisement; however, this panel or a portion thereof may be a variable message sign. No off-site pole signs may be supported by more than one pole.

SECTION 6. Section 24.04.251 of the Code of the City of Wichita is hereby created to read as follows:
24.04.251. Sign Code Adjustments.

1. Authority. The Planning Director, with the concurrence of the Zoning Administrator, shall have the authority to approve applications for Sign Code Adjustments.

2. Types of Adjustments Allowed. Sign Code Adjustments shall be limited to the following:

a. Reducing the minimum allowed distance required between on-site ground, monument or pole signs by up to one-third;

- b. Increasing the maximum allowed height of on-site ground, monument or pole signs, or of building or wall signs, by up to twenty percent;
 - c. Increasing the maximum allowed size of individual building or wall signs or of the total allowed building sign wall elevation coverage by up to twenty percent;
 - d. Increasing the maximum number of allowed building or wall signs per any elevation by up to one (1) in the NO, GO, NR, OW or IP zoning districts, or up to two (2) such signs per any elevation in the LC zoning district.
 - e. Reducing the minimum allowed depth of parking, loading or open space area required in the LC zoning district for building or wall signs on elevations not having street frontage;
 - f. Allowing structurally altered legal non-conforming on-site pole, ground or monument signs to be structurally altered at their existing base or pole structure location provided that the extent of non-conforming sign height or sign size is reduced;
 - g. Allowing legal non-conforming off-site pole, ground or monument signs to be structurally altered to an extent exceeding fifty percent of the sign's structural value or to an extent that includes repairs or modifications exceeding fifty percent of the of the sign's structure, at their existing base or pole structure location provided the number of main support poles or pylons are reduced to a single support pole or pylon, or the extent of non-conforming sign height or sign size is reduced;
 - h. Increasing the maximum allowed height of ground, monument or pole signs for on-site or off-site signs located within seventy-five feet of a zoning lot line that directly abuts the right-of-way of an elevated portion of a highway structure to a height at the top of the sign that does not exceed twenty feet above the height of the top of the highest railing or barrier along the traffic deck or decks within the right-of-way at a point perpendicular to the sign.
 - i. Allowing variable message or electronic message signs for institutional uses located in any residential zoning district, or in any "NO", "GO", "NR", "OW" or "IP" zoning districts.
 - j. Allowing "off-site" signs that do not exceed one hundred square feet in area or twenty-five feet in height, provided that the sign for the business being advertised is located on a zoning lot that abuts or is adjacent to the zoning lot on which the advertised business is located, and on which the proposed "off-site" sign would otherwise be allowed by the "on-site" sign regulations set forth in Sections 24.04.193, 24.04.199 or 24.04.221.
 - k. Increasing the maximum distance that an off-site project title sign may be placed from a subdivision, as set forth in Section 24.04.190.6.i.(1), by up to twenty-five percent (25%).
3. For signs not located within an approved Community Unit Plan (CUP), Planned Unit Development (PUD) or Protective Overlay (PO), or located within a CUP, PUD or PO wherein the CUP, PUD or PO provisions and/or conditions refer only to signs as allowed or permitted by the Sign Code, the applicant requesting a sign adjustment may file a variance request to the Wichita Board of Zoning Appeals pursuant to Art. V.G of the Wichita-Sedgwick County Unified Zoning Code if the adjustment request is denied, or when such adjustment request has been approved with conditions or modifications that are unacceptable to the applicant. The filing fee for any sign adjustment shall be applied toward the filing fee for any variance request.
4. For signs located within an approved Community Unit Plan (CUP), Planned Unit Development (PUD) or Protective Overlay (PO) wherein the CUP, PUD or PO provision and/or conditions set forth specific sign requirements for the CUP, PUD or PO, the applicant requesting a sign adjustment may file an amendment to the CUP, PUD or PO pursuant to Art. V.C or V.E of the Wichita-Sedgwick County Unified Zoning Code if the adjustment request is denied or when such adjustment request has been approved with conditions or modifications that are unacceptable to the applicant. The filing fee for any sign adjustment shall be applied toward the filing fee for any amendment request.
5. Appeals of approved sign adjustments by other than the sign adjustment applicant and/or property owner may be taken to the Wichita Board of Zoning Appeals by filing an appeal with the Board of Zoning Appeals' secretary within the time limit specified by the rules of the Wichita Board of Zoning Appeals, and in accordance with Art. V.F of the Wichita-Sedgwick County Unified Zoning Code.
6. Sign Code Adjustment criteria. The Planning Director shall not approve a Sign Code Adjustment if the Planning Director finds that the proposed development:
- a. Creates more adverse impacts on existing uses in surrounding areas than those that might reasonably result from development of the site in strict compliance with the adjusted standard;
 - b. Would not be compatible with existing or permitted uses on abutting sites, in terms of adjusted sign height or size, number of signs, sign bulk and scale, or minimum allowed depth of parking, loading or open space area required;
 - c. Will be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the immediate vicinity for reasons specifically articulated by the Planning Director.

7. Appeals from the Wichita Board of Zoning Appeals. Any person, official or governmental agency dissatisfied with the decision of the Wichita Board of Zoning Appeals may bring an action in the district court of the Eighteenth Judicial District to determine the reasonableness of such decision. Such appeal shall be filed within 30 days of the final decision of the Wichita Board of Zoning Appeals.

SECTION 7. The originals of Sections 24.04.185, 24.04.190, 24.04.195, 24.04.220, and 24.04.222 of the Code of the City of Wichita are hereby repealed.

SECTION 8. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be shall be effective upon publication once in the official paper.

ADOPTED AT WICHITA, KANSAS, THIS FEBRUARY 3, 2004.

Carlos Mayans, Mayor

ATTEST:

Karen Scholfield, City Clerk

Approved as to Form:

Gary E. Rebenstorf, Director of Law